

## **REMARKS/ARGUMENTS**

The Final Office Action mailed July 27, 2004 and the Advisory Action mailed on December 29, 2004 have been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

### Record of Interview

On January 6, 2005, an interview was conducted by telephone between Examiner Phuc H. Tran and Masako Ando (Limited Recognition under 37 CFR §10.9(b)). Applicants thank the Examiner for granting this interview. In the interview, the claim amendment in the Applicants' response to the Final Office Action was discussed. Applicants believed that the amendment neither raised a new issue nor required a new search since the Examiner had already considered the limitations at issue and found an allowable subject matter therein. However, the Examiner contended that a combination of the allowable subject matter into an independent claim would raise a new issue or require a new search, unless it was by rewriting a dependent claim into independent form. In the discussion, the Examiner suggested that Applicants submit another amendment to cancel the claims which were objected to, and also file a Notice of Appeal to secure time to allow further response, if necessary. The details of the interview are also set forth in the Interview Summary document made of record.

### Claim Status and Amendment to the Claims

Claims 7, 9-11, 17-18, 23, 27, 37, 39-41, 46-47, 49-52, 54-55, and 57-58 are now pending.

Applicants gratefully acknowledge the indication of allowable subject matter in claims 7, 9-11, 17, 18, 23-30, 37, 39-41, 46, 47, 49, 50, 54-55, 57 and 58, subject to their re-writing in independent form including all of the limitations of the base claim and any intervening claims, as noted in the Final Office Action. Applicants also acknowledge indication of allowance of claims 7, 9-11, 17, 18, 23, 27, 37, 39, 46, 47, 49, 50, 54, 55, 57 and 58, as noted in the Advisory Action.

Claims 5-6, 8, 12-16, 35-36, 38, 45, 48, 53, and 56 were canceled by the previous amendment, without prejudice or disclaimer of the subject matter contained therein. Claims 1-4, 19-22, 24-26, 28-34, and 42-44 have been canceled by this amendment, without prejudice or disclaimer of the subject matter contained therein.

#### The Claim Objections

Claims 1-4, 19-22, 24-26, 28-34 and 42-44 stand objected to because the newly added limitations “wherein said packets are IP packets, and said QoS bits are the precedence bits within the ToS/Differentiated Services field of said IP packets” in claims 1, 3, 19, 31, 33 and 42-44 allegedly raise new issues which require further consideration and/or search.

Claims 1, 3, 19, 31, 33 and 42-44 and their dependent claims have been cancelled, without prejudice, by this amendment. With this amendment, it is respectfully requested that the objections be withdrawn.

Please note that claims 40, 41, 51, and 52 are neither indicated as “Claims allowed” nor as “Claims objected to” in the Advisory Action. However, claim 40 and its dependent claim 41

have been indicated as allowable in the Final Office Action, and claim 40 were rewritten into independent form in the previous amendment. Claims 51 and 52 were also amended in the previous amendment so as to depend from allowable claim 17 without changing their text. Accordingly, claims 40, 41, 51, and 52 are believed to be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

#### Request for Entry of Amendment

Entry of this Amendment will place the Application either in condition for allowance, or at least, in better form for appeal by narrowing any issues. Furthermore, as explained above, the present amendment neither raises a new issue nor requires a new search, since it simply cancel the claims which stand objected to. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

#### Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,  
THELEN REID & PRIEST, LLP

Dated: January 27, 2005



Masako Ando

Limited Recognition Under 37 CFR §10.9(b)

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